

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE BILL NO. 1217

Introduced by: Representatives Munsterman, Bolin, Deutsch, and Hunhoff (Jean) and
Senators Sutton, Soholt, Solano, and Tidemann

1 FOR AN ACT ENTITLED, An Act to provide for the employment of chiropractors by
2 corporations under certain conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-5 be amended by adding a NEW SECTION to read:

5 Except as provided in chapters 47-11A and 47-11F, a corporation may not practice
6 chiropractic. A corporation is not engaged in chiropractic and is not in violation of § 36-5-2 by
7 entering into an employment agreement with a chiropractor licensed pursuant to this chapter if
8 the agreement or the relationship it creates does not:

9 (1) In any manner, directly or indirectly, supplant, diminish, or regulate the chiropractor's
10 independent judgment concerning the practice of chiropractic or the diagnosis and
11 treatment of any patient;

12 (2) Result in profit to the corporation from the practice of chiropractic itself, such as by
13 the corporation charging a greater fee for a chiropractor's services than that which the
14 chiropractor would otherwise reasonably charge as an independent practitioner,
15 except that the corporation may make additional charges reasonably associated with



1 the services rendered such as facility, equipment or administrative charges; and

2 (3) Remain in effect for a period of more than three years, after which it may be renewed

3 by both parties annually.

4 Section 2. That § 47-11A-15 be amended to read:

5 47-11A-15. Except as provided in section 1 of this Act, chapter 47-11F, and this chapter,

6 corporations ~~shall~~ may not engage in the practice of chiropractic. Professional service

7 corporations organized and operated in accordance with the provisions of this chapter ~~shall not~~

8 ~~be deemed~~ may not be considered lay agencies within the meaning of the canons of professional

9 ethics.